

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **January 13, 2004**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 552 Savannah Avenue**

### RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 552 Savannah Avenue under Section 36-19.5 of the Code of Virginia.

### SUMMARY:

Please see attached information from LRHA including notification to the property owners.

### PRIOR ACTION(S):

NA

### FISCAL IMPACT:

NA

### CONTACT(S):

Edward H. McCann 845-9011

### ATTACHMENT(S):

- Resolution
- Letter from LRHA

### REVIEWED BY: lkp

## RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 552 Savannah Avenue, parcel 256-02-025 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 552 Savannah Avenue; (iv) that the owner of 552 Savannah Avenue was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 552 Savannah Avenue lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 552 Savannah Avenue by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 552 Savannah Avenue;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 552 Savannah Avenue.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

001P



## **LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY**

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

**EDWARD H. McCANN**  
Executive Director

November 14, 2003

Mrs. Patricia W. Kost  
Clerk of City Council  
P.O. Box 60  
Lynchburg, Virginia 24505

Dear Mrs. Kost:

The Authority staff has been working with the City's Inspections Division to address the blighted property located at 552 Savannah Avenue, parcel 256-02-025. The City's Community Development staff has received complaints about this property, and it has been cited by the city's inspections department for code violations. It was condemned and determined unsafe for human habitation by the inspections department staff August 7, 2002. Our staff has also inspected this property noting code violations and deficiencies resulting in its blighted condition. Since efforts to notify the owners by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia were unsuccessful, the Authority used a personal process service to notify the owners. The owners have not responded to the Authority's request to correct the deficiencies, nor have staff observed any repairs underway. Authority staff began addressing this property August 2002, and it has continued to deteriorate.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire this property pursuant to the above referenced code. Enclosed is a photocopy of the resolution adopted by the Commissioners of the Authority, a proposed resolution for City Council's consideration, the notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

*Edward H. McCann*  
*EGS*

enclosures

cc: Karl Cooler, Building Official  
Bob Drane, Senior Building Inspector

**Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 552 Savannah Avenue, Parcel 256-02-025, Lynchburg, Virginia pursuant to Code section 36-19.5**

**WHEREAS**, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

**WHEREAS**, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

**WHEREAS**, the Commissioners of the Authority have made a finding that the dwelling unit located at 552 Savannah Avenue, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

**WHEREAS**, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

**WHEREAS**, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

**WHEREAS**, the owner has failed to correct the deteriorated condition of the dwelling unit.

**THEREFORE, BE IT RESOLVED**, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 552 Savannah Avenue, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



## LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

1101 COURT ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (804) 845-9011

EDWARD H. McCANN  
Executive Director

June 20, 2003

Certified Mail – Return Receipt Requested

Edward N. and Lee L. Ware  
552 Savannah Avenue  
Lynchburg, Virginia 24502

Re: Parcel 256-02-025(old #)  
Parcel 545-64-043(new #)  
552 Savannah Avenue  
Lynchburg, Virginia

Dear Mr. & Mrs. Ware:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated, that are likely to continue to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on May 28, 2003, and more recently on June 19, 2003, and found the following conditions:

1. Condemned and determined unfit for occupancy by city's inspections department.
2. Gutters deteriorated and falling off structure.
3. Downspouts empty next to structure.
4. Peeling paint on carport ceiling.
5. Furniture and debris on carport.
6. Soffits and fascia deteriorated.
7. Peeling paint on trim and soffits.
8. Windows and doors boarded.
9. Grass, trees and weeds overgrown on property and around structure with tree limbs on the roof of the structure.

Mr. & Mrs. Ware  
June 20, 2003  
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We are requesting that these deficiencies and any other non-compliance with the local building code be corrected within sixty (60) days of receipt of this notice, pursuant to Section 36-19.5 of the Code of Virginia. If these corrections are not completed within that time, the Authority Commissioners may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development and redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snively of our staff at (434) 845-9011 if you wish to discuss this.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Edward H. McLean".

# VIRGINIA ATTORNEY'S PROCESS SERVICE

P.O. Box 4304

LYNCHBURG, VIRGINIA 24502

(804) 239-8647

LIC. ID# 11-2795

## RETURN OF SERVICE

PLAINTIFF LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

DEFENDANT EDWARD N. AND LEE L. WARE

COURT NO. \_\_\_\_\_

DOCUMENT HAND DELIVERED LETTER

SERVE AT NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE  
LEE L. WARE  
ADDRESS  
815 GRAHAM STREET, LYNCHBURG, VA.

## AFFIDAVIT OF SERVICE

☒ PERSONALLY SERVED

☐ BY LEAVING A TRUE COPY AT THE USUAL PLACE OF ABODE WITH MEMBER OF FAMILY  
OVER THE AGE OF 16.

☐ SERVED ON EMPLOYER NAMED \_\_\_\_\_ TITLE \_\_\_\_\_

☐ POSTED

☐ NOT FOUND

DATE OF SERVICE: SEPTEMBER 13, 2003 TIME OF SERVICE 10:36 AM / PM

I HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAW THAT THE FOREGOING  
IS TRUE AND CORRECT.

Carli Hilde  
SIGNATURE OF PROCESS SERVER

STATE OF VIRGINIA CITY/COUNTY CAMPBELL

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE ABOVE MENTIONED JURISDICTION, HEREBY CERTIFY THAT BEFORE ME  
APPEARED THE ABOVE NAMED PROCESS SERVER, WHO, UNDER OATH, STATED THAT HE IS MORE THAN EIGHTEEN YEARS OF AGE  
AND IS NOT A PARTY TO THE ATTORNEY'S OR TO THE PROCESS SERVED, OR OTHERWISE INTERESTED IN THE SUBJECT MATTER IN  
CONTROVERSY, AND THE SERVICE WAS MADE AS STATED ABOVE.

SUBSCRIBED AND SWORN BEFORE ME THIS 16 DAY OF SEPTEMBER, 2003

Karen J. King  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: JULY 31, 2005

Property Address: **552 Savannah Avenue**

Owner's Name: **Edward N & Lee L Ware**

Owner's Address: **552 Savannah Avenue, Lynchburg, VA 24502**

Parcel No.: **256-02-025**

Assessed Value: Land - \$ 13,000 Improvement - \$ 71,000 Total - \$ 84,000 (as of July 1, 2002)

Land - \$ 16,000 Improvement - \$ 34,000 Total - \$ 50,000 (as of July 1, 2003)

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Date of Pictures: May 28, 2003

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#### Deficiencies:

- Condemned 8/7/02 by Mike McKinney
- Gutters deteriorated & overflowing with leaves
- Downspouts empty next to structure
- Carport ceiling deteriorated
- Furniture and debris stored in carport
- Soffits and trim peeling paint
- Grass, weeds and trees overgrown
- Trees on top of structure
- Windows and doors boarded



552 Savannah Avenue

Date of pictures: November 12, 2003

